

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**JEREMIAH SMITH  
ADC #165624**

**PLAINTIFF**

**VS.**

**4:20-CV-00527-BRW**

**LASHONDA JOHNSON**

**DEFENDANT**

**ORDER**

**I. BACKGROUND**

In his Complaint, Plaintiff alleges that Defendant Lashonda Johnson, a Correctional Officer at the Tucker Maximum Security Unit used excessive force against him when she choked him during a search of his cell.<sup>1</sup> On July 9, 2021, a Clerk’s Entry of Default was entered against Defendant. On July 28, 2021, I entered an Order granting in part and denying in part Plaintiff’s motion for default judgment.<sup>2</sup> That Order granted Plaintiff’s motion regarding Defendant’s liability, but directed Plaintiff to file any affidavits, declarations, or other materials that support his damages claim within 30 days.<sup>3</sup>

On August 4, 2021, Plaintiff filed a Notice that included an affidavit that stated he was “requesting the small amount of \$3,500” and recited his allegations about the incident.<sup>4</sup> Additionally, the Notice contained a copy of Plaintiff’s official medical request form that

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<sup>1</sup>Doc. No. 2.

<sup>2</sup>Doc. No. 41.

<sup>3</sup>*Id.*

<sup>4</sup>Doc. No. 44, p. 1.

showed he was seen by medical staff after the incident<sup>5</sup> and a copy of the grievance response he received from the warden that indicated his claim had merit and corrective action was taken.<sup>6</sup>

## II. DAMAGES

I have considered damages awarded in other cases where a prisoner was subjected to excessive force by a correctional officer.<sup>7</sup> The damages awards vary depending on the extent of the injuries and the degree of medical attention required.<sup>8</sup>

Defendant violated Plaintiff's Eighth Amendment rights. Defendant choked Plaintiff and left him spitting-up blood and struggling to swallow.<sup>9</sup> However, Plaintiff has provided no evidence showing extensive injuries or the amount of medical treatment that resulted from the incident. Under these circumstances, it is appropriate to award \$100.00 in compensatory damages<sup>10</sup> and \$1000.00 in punitive damages.<sup>11</sup>

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<sup>5</sup>*Id.* at 2.

<sup>6</sup>*Id.* at 3.

<sup>7</sup>See *Estate of Davis v. Delo*, 115 F.3d 1388 (8th Cir.1997) (affirming award of \$10,000 actual damages and \$5,000 punitive damages where the prisoner plaintiff was struck in the head and face 20 to 25 times by a guard, suffering serious injuries as a result); *Freeman v. Franzen*, 695 F.2d 485, 493-94 (7th Cir.1982) (jury awarded inmate compensatory damages of \$2,500 against one defendant and \$250 each against two others; defendant prison guards "repeatedly punched and kicked Freeman in the back, face, and testicles" and plaintiff's "entire body hurt" though there was no permanent injury; the Seventh Circuit described the modest awards as "certainly not excessive"); *Williams v. Omodt*, 640 F.Supp. 120 (D.Minn.1986) (awarding compensatory damages of \$5,000 where corrections officer hit and choked handcuffed inmate, causing bruising, contusions, swelling, and pain, but no permanent physical injury).

<sup>8</sup>*Id.*

<sup>9</sup>*Id.* at 2.

<sup>10</sup>*Heck v. Humphrey*, 512 U.S. 477, 487 (1994) (holding that to recover compensatory damages, Plaintiff must plead and prove an "actual, compensable injury.")

<sup>11</sup>*Washington v. Denney*, 900 F.3d 549, 564 (8th Cir. 2018) (holding punitive damages are appropriate in a § 1983 case when the defendant's conduct involves reckless or callous indifference to the federally protected rights of others).

**CONCLUSION**

Based on the findings of fact and conclusions of law above, Plaintiff is awarded \$100.00 in compensatory damages and \$1000.00 in punitive damages.

IT IS SO ORDERED this 22nd day of September, 2021.

BILLY ROY WILSON  
UNITED STATES DISTRICT JUDGE